

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

STEVEN CHRISTIAN PARKER,

Petitioner,

v.

Civil Action No: 1:16-05849

BART MASTERS,

Warden,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the court is petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. No. 1). By Standing Order, this matter was referred to United States Magistrate Omar J. Aboulhosn for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. No. 4). Magistrate Judge Aboulhosn submitted to the court his Proposed Findings and Recommendation on June 30, 2016, in which he recommended that the district court construe petitioner's application for a writ of habeas corpus as a motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 and transfer the case to the United States District Court for the Northern District of Alabama. (Doc. No. 5 at 10).

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge

Aboulhosen's Findings and Recommendation. The failure to file such objections constitutes a waiver of the right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Petitioner failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosen, the court adopts the findings and recommendation contained therein.

The court hereby **ADOPTS** the factual and legal analysis contained within the PF&R, **CONSTRUES** petitioner's petition for a writ of habeas corpus as a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255, **DIRECTS** the Clerk to **TRANSFER** this case to the United States District Court for the Northern District of Alabama, and **DIRECTS** the Clerk to remove this case from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record and petitioner, pro se.

It is **SO ORDERED** this 28th day of July, 2016.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge